



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Behnaz Parhami-Seren, Michael N. Margolies and Garner T. Hauptert, Jr.

Application No.: 09/412,268

Group: 1642

Filed: October 5, 1999

Examiner: Susan NMN Ungar

Confirmation No: 9455

For: Ouabain-Specific Monoclonal Antibodies

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>3/1/2007</u>	<u>Noah Ertel</u>
Date	Signature
<u>Noah Ertel</u>	
Typed or printed name of person signing certificate	

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment for filing in the above-identified application.

- ☒ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- ☐ A Small Entity Statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

The claims fee has been calculated as shown below:

					SMALL ENTITY		OTHER THAN SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE	
TOTAL	12	MINUS	* 55	0	X \$ 25	\$ 0		X 50	\$ 0	
INDEP	12	MINUS	** 30	0	X \$100	\$ 0		X \$200	\$ 0	
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+	\$180	\$ 0	+	\$360	\$ 0
					TOTAL = \$ 0			TOTAL = \$ 0		

* not fewer than 20
** not fewer than 3

The Application Size Fee has been calculated as shown below:

(Effective for cases filed on or after December 8, 2004)

Actual Sheets (Including current amendment)	Highest No. of Sheets Paid For (At least 100)	No. of Additional Units Required (Increments of 50 sheets)	SMALL ENTITY		OTHER THAN SMALL ENTITY		Payment Sufficient for up to
			Rate	Total Amount Owed	Rate	Total Amount Owed	
			X \$125		X \$250		

Petition for Extension of Time

☐ Applicant hereby petitions to extend the time to respond to the [] dated [] for [] month(s) from [] to []. The appropriate fee is set forth below.

☒ The undersigned attorney petitions the Commissioner for Patents to extend the time for filing an Appeal Brief pursuant to the Notice of Appeal received in the U.S. Patent and Trademark Office on December 1, 2006 for 1 months, from February 1, 2007 to March 1, 2007 under 37 C.F.R. § 1.136(a).

In lieu of filing an Appeal Brief, Applicants' Attorney is filing a Request for Continued Examination concurrently herewith.

708896_1
AJC/lab/(nse)
March 1, 2007



PATENT APPLICATION
Attorney's Docket No.: 0838.1004-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Behnaz Parhami-Seren, Michael N. Margolies and Garner T. Haupt, Jr.
Application No.: 09/412,268 Group: 1642
Filed: October 5, 1999 Examiner: Susan NMN Ungar
Confirmation No: 9455
For: Ouabain-Specific Monoclonal Antibodies

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>3/1/2007</u>	<u>Noah Ertel</u>
Date	Signature
<u>Noah Ertel</u>	
Typed or printed name of person signing certificate	

STATEMENTS UNDER 37 C.F.R. §1.805, §1.806 AND §1.808

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.805, §1.806 and §1.808 the undersigned states that:

1. The above-referenced application, as amended, contains reference to a biological deposit. B cell hybridomas which express anti-ouabain monoclonal antibodies have been created.

Specifically, deposits of B cell hybridomas which express 5A12, 7-1, 1-10 and 8E4 anti-ouabain monoclonal antibodies have been made under the terms of the Budapest Treaty on behalf of Massachusetts General Hospital, Building 149, 13th Street, Charlestown, MA 02129-2000 at the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209 under Accession Numbers PTA-812, PTA-813, PTA-814 and PTA-815, respectively.

2. In accordance with 37 C.F.R. §1.805(a), after notification during pendency of the subject application for patent, application for reissue patent or reexamination proceeding that samples of deposit(s) PTA-812, PTA-813, PTA-814 and PTA-815 cannot be furnished or that samples thereof can be furnished but the deposit(s) has become contaminated or has lost its capability to function as described in the specification by the depository, the U.S. Patent and Trademark Office will be notified in writing in each application for patent or patent affected. In addition, a replacement or supplement of the deposit(s) will be made if necessary, which is governed by the same considerations governing the need for making an original deposit under the provisions set forth in 37 C.F.R. §1.802(b).
3. The deposits will be replaced if viable samples cannot be dispensed by the ATCC.
4. In accordance with 37 C.F.R. §1.806 deposits PTA-812, PTA-813, PTA-814 and PTA-815 are made for a term of at least thirty years and at least five years after the most recent request for the furnishing of a sample of each deposit is received by the depository. The deposits are stored under agreements that make it available beyond the enforceable life of the patent for which deposits PTA-812, PTA-813, PTA-814 and PTA-815 were made.
5. In accordance with 37 C.F.R. §1.808(a)(1), access to deposits PTA-812, PTA-813, PTA-814 and PTA-815 will be available during the pendency of the above-referenced application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. § 122.
6. In accordance with 37 C.F.R. §1.808(a)(2), and except as permitted by 37 C.F.R. §1.808(b), all restrictions imposed by the depositor on the availability to the public of the

deposited materials will be irrevocably removed upon the granting of a patent on the above-referenced application.

7. The undersigned is an agent of record.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins
Anne J. Collins
Registration No. 40,564
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: *March 1, 2007*